

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2741 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

OCEAN AGRO (INDIA) LTD

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR JAYANT PATEL for Respondents

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.M.KAPADIA

Date of decision: 15/10/98

ORAL JUDGEMENT (Per C.K. Thakker, J.):

Rule. Mr. Jayant Patel, learned counsel appears and waives service of rule. In the facts and circumstances of the case, the matter is taken up for final hearing today.

It is stated at the Bar that almost in similar circumstances, an order was passed by a Division Bench of

this Court in Special Civil Application No. 8158 of 1997, on November 18, 1997. The said order reads as under:

"When this petition came up for hearing, learned counsel appearing for the respondents stated that the petitioner will be allowed to have the goods released on their paying duty on the goods so released and on furnishing a bond for the value of the goods seized.

In view of this submission it is agreed without prejudice to the respective contentions that no further order is called for. This petition is accordingly disposed of."

In the facts and circumstances of the case and in the light of the order passed by the Division Bench already referred to above, it is directed that the petitioners will be allowed to have the goods released on their paying duty on the goods so released and on furnishing a bond for the value of the goods seized. It is, however, clarified that this is without prejudice to the rights and contentions of the parties. No further order is called for. The petition is accordingly disposed of. Rule is made absolute to the above extent only. No order as to costs.

Liberty to apply in case of difficulty.

(karan)